UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.107
29 March 1995

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

SUMMARY RECORD OF THE 107th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 January 1994, at 3 p.m.

Chairperson: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties under article 44 of the Convention (continued)

Mexico (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-15124 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 4) (continued)

Mexico (continued) (CRC/C/3/Add.11; HRI/CORE/1/Add.12; CRC/C/4/WP.3)

1. The CHAIRPERSON invited members of the Committee to continue commenting on the replies provided by the Mexican delegation at the previous meeting to the questions in the list of issues to be taken up in connection with the consideration of the initial report of Mexico (CRC/C/4/WP.3).

2. Mrs. SANTOS PAÍS, referring to the section entitled "General principles", said she regretted the fact that, although the principle of equality between women and men was recognized therein, the Mexican Constitution contained no provision explicitly prohibiting any form of discrimination against children, and in particular against girls. She also had the impression that the best interests of the child were considered exclusively in the context of the family. How, then, was article 3 of the Convention applied in practice? The report did not specify who, for example, determined what were the best interests of the child in cases where a child was subjected to ill-treatment in the family. The Mexican delegation should provide specific examples on that question.

3. Mr. KOLOSOV, on the section entitled "Civil rights and freedoms", requested additional information on Mexican legislation on the rights of the child at birth, and asked whether a child born and registered in Mexico simultaneously acquired nationality and citizenship.

4. Mgr. BAMBAREN GASTELUMENDI said he was extremely concerned at the cases of ill-treatment and torture of children in Mexico. According to the National System for the Integral Development of the Family (DIF), 500,000 children under the age of 12 had been victims of violence in 1989. He deplored the fact that acts committed by the police forces were rarely reported and usually went unpunished. He had been particularly shocked to learn that a police detective in Oaxaca was alleged to have put the barrel of his gun into the mouth of a five-year-old child, threatening to kill him if he did not stop crying. He asked what measures were being taken in Mexico to train police forces with a view to changing their behaviour.

5. With regard to dissemination by the media of broadcasts containing violence and news items likely to have harmful effects on children, he wished to know why Radio Rin, a radio station that had broadcast excellent programmes for children, had gone off the air.

6. Mrs. SARDENBERG, on the question of registration of children after birth, noted that there was no mention of sanctions in paragraphs 41 to 43 of the report. What sanctions were provided in case of non-registration or late registration of a birth?

7. Mrs. GONZÁLEZ MARTÍNEZ (Mexico), replying to Mr. Hammarberg's question on non-discrimination, said that the articles of the Mexican Constitution were consistent with the principles of non-discrimination vis-à-vis children set

forth in the Convention on the Rights of the Child. It was hard to imagine how a constitutional reform could deal exclusively with children, since the chapter of the Constitution on "individual guarantees" defined the rights, obligations and freedoms of the population as a whole. Moreover, by virtue of the very principle of non-discrimination, children were an integral part of the population. On the question of the economic and social gulf between rich and poor, Mexico had adopted a National Solidarity Programme for children living in extreme poverty. She undertook to submit the necessary information on that question to the Committee in writing.

8. Replying to the question by Mrs. Santos País on non-discrimination and the best interests of the child, she said that those interests were considered in the context of the family because the family was both the natural context for the child's development and the basis of society, but that the aim was not solely to protect the family. With regard to ill-treatment of children in the family, she said that there were institutions responsible for establishing whether there had been ill-treatment. Where appropriate, psychiatric treatment was given to parents and guardians. The judicial system provided for sanctions against persons committing unlawful acts against children.

9. Replying to Mr. Kolosov's question on the right to nationality, she said that Mexican nationality was acquired through jus soli or jus sanguinis. Any child born in the territory of the Republic, regardless of the nationality of the parents, and any child born abroad of Mexican parents, of a Mexican father, or of a Mexican mother, was Mexican by birth. The parents requested a passport from the State whose nationality they wished the child to have. At majority the child chose his or her nationality and, if Mexican nationality was chosen, automatically had the right to citizenship guaranteed by the Constitution.

10. Replying to the concerns expressed by Mgr. Bambaren Gastelumendi on the behaviour of the police forces, she said that the National Human Rights Commission had undertaken a human rights education campaign for officers of the various police forces, to ensure that they did not violate human rights when carrying out arrests. Cases of violations were investigated and punished. Under article 22 of the Mexican Constitution, minors must not be subjected to punishment by mutilation and infamy, and a programme to prevent ill-treatment of minors was being implemented at national level.

11. She said that she would take up the matter of Radio Rin again once she had all the necessary information. She acknowledged that radio and television stations could play a major role in providing children with ways of learning and the means with which to express themselves. Radio Educación and Radio Universidad were stations that broadcast educational programmes for children and adolescents.

12. Replying to Mrs. Sardenberg, she said that new efforts were being made to broaden the possibilities for registering children at birth (in hospitals, clinics, etc.); the children of refugees also had the right to keep their

nationality of origin. Computerization made it possible to draw up systematic registers of births, marriages and deaths, and to improve conditions for registration, thereby enabling sanctions to be applied more effectively.

13. The CHAIRPERSON asked members of the Committee whether they had any questions to put to the Mexican delegation on the issues listed under the headings "Family environment and alternative care", "Basic health and welfare" and "Education, leisure and cultural activities", the text of which read:

"Family environment and alternative care

(Arts. 5, 18, paras. 1-2, 9, 10, 27, para. 4, 20, 21, 11, 19, 39, 25 of the Convention)

1. Please provide information on the status of children born out of wedlock.

2. Is parental education provided for, and are family counselling services available?

3. Please indicate measures provided to ensure to children the continuation of contact with their parents after divorce.

4. Please provide information on measures available to enforce parental responsibility, e.g. in maintenance for the child especially when one parent is not living with the child. What is the State responsibility in this connection?

5. Have there been any reported cases of child abuse within the family? What legislative measures have been adopted to protect the child against such abuse and maltreatment as laid down in article 19 of the Convention? Is research undertaken into the problem of ill-treatment and sexual abuse of children, including into social factors which influence such violations? What procedures exist for intervention by the authorities in cases where a child needs protection from serious abuse within the family? Can children lodge complaints concerning abuse or neglect?

6. Please indicate the number of children in alternative care and procedures for monitoring their conditions (paras. 78-87 of the report).

7. Please provide statistics about adoptions, and indicate measures taken to ensure that parents giving up their children for adoption are allowed sufficient opportunity to weigh the consequences and alternatives in such institutions. Are there any legal sanctions in cases of corrupt practices concerning adoption, whether through deception or sale of children for adoption? Please indicate on incidences of illicit transfer and non-return of children.

8. What is the governmental policy and general attitude in society regarding the care of disabled children?

Basic health and welfare

(Arts. 6, para. 2, 23, 24, 26, 18 para. 3 and 27

paras. 1-3 of the Convention)

1. What proportion of the budget is allocated to health care, and to what extent is the health budget oriented towards children? Please comment on the balance between curative and preventive health programmes. Please provide in writing more detailed information on the National Health System and its functioning.

2. Please provide further information on:

- the measures taken to collect statistical and other data on child health and nutrition;

- the occurrence and treatment of HIV infection among children and parents as well as measures to prevent AIDS;

- the reasons for the high rate of perinatal mortality and measures taken to reduce it.

3. Please provide clarification as to the meaning of the statement in paragraph 182 of the report, according to which the Ministry of Labour and Social Security supervises and promotes labour legislation so as to intervene in the family environment, especially as to whether such action relates to the situation of children in the workplace.

Education, leisure and cultural activities

(Arts. 28, 29 and 31 of the Convention)

1. What portion of the national budget is reserved for basic and secondary education? What are the major items in the education budget?

2. Please indicate whether children may be taught in indigenous languages.

3. What concrete steps are taken to ensure full implementation of article 28.2 of the Convention for the protection of the child's dignity?"

14. Mrs. MASON said it would be interesting to have more details about the general and traditional attitude of Mexican families concerning the rights of the child, so as to gain a better understanding of the behaviour of the population regarding the Convention on the Rights of the Child.

15. Mr. KOLOSOV asked what policy Mexico followed on the matter of international adoption.

16. Mr. HAMMARBERG said he would like further information on the preventive strategy adopted in Mexico to combat acts of violence perpetrated within the family and by the police.

17. Mgr. BAMBAREN GASTELUMENDI said that studies on the ill-treatment of children by their own families appeared to indicate that cases of ill-treatment were largely due to the extreme poverty suffered by certain families. It appeared that out of every 1,000 children working in Mexico, 896 were victims of ill-treatment on the part of their families or of the police. He would like to know what concrete measures had been taken under the National System for the Comprehensive Development of the Family (DIF) to change the attitude of the police.

18. Concerning international adoption, he was pleased to note that Mexico had taken the necessary steps to sign the Hague Convention of 1993 on Transnational Adoption, and asked what concrete measures had been taken to combat the phenomenon of illegal adoptions and trafficking in children.

19. Mrs. SARDENBERG said she would first of all like to have information on Mexico's family-planning programme, and on the contraception methods most currently used there. In the field of education, it would be useful to have details on the measures taken at primary-school level to reduce the high drop-out rate, as well as on the conditions governing the access of children from indigenous groups to primary education.

20. Mrs. EUFEMIO said she was glad to note that, under the Constitution, the State had a duty to ensure the proper development of the family, but would like concrete examples of how it discharged its responsibilities in that regard (preparation for marriage, administrative measures taken to enable fathers to play a greater part in the education of their children, financial assistance to poor parents, system of allowances for single-parent families, etc.). She would also like to know at what age a child was entitled to choose the parent he wished to live with in cases where the parents were separated. Further information on the placing of children in institutions would also be useful.

21. Mgr. BAMBAREN GASTELUMENDI said he was greatly concerned at the large number of children who were victims of ill-treatment. According to 33 official sources, 29,192 cases of ill-treatment and sexual abuse had been reported between January 1990 and July 1991, 68 per cent of which had been cases of ill-treatment and 32 per cent cases of sexual abuse. He also noted that, according to the report, 3,392 women had been held in prison in 1993, and asked what had happened to their children, in view of the fact that in principle children could not be separated from their mothers before the age of six. In his view, that tragic situation was often to be explained by extreme poverty, which was at the root of numerous human rights violations. According to a study carried out by the ILO, 92 per cent of the Mexican population were living below the poverty line and suffered from serious malnutrition. He deplored that situation, and asked whether any concrete measures had been taken to raise the standard of living of the population.

22. Mrs. SANTOS PAÍS said she would like to know what steps were being taken, to reduce the very high number of cases of ill-treatment of children, and to ensure that children subjected to such abuses could complain to the competent authorities without fear of reprisals.

23. In what way were the best interests of the child safeguarded when its parents separated? Did the child have a say in the choice of the person who was to be its guardian?

24. Lastly and more generally, how was the right of the child to express its views guaranteed?

25. Mrs. GONZÁLEZ MARTÍNEZ (Mexico) said that where relations between parents and children were concerned, attitudes had changed, and that nowadays children participated in decisions taken about them, particularly regarding their leisure and education. However, it should be noted that the situation in that respect varied according to the level of education of the parents and according to region.

26. In addition, teachers were encouraged to take the views of children into account. As far as the situation within the family was concerned, although there were no laws requiring parents to take their children's views into account, the Government was doing its best to change attitudes, notably by publicizing the Convention on the Rights of the Child more widely.

27. On the matter of adoption, it should be noted that Mexico did not encourage adoption of Mexican children by foreigners, and that applicants for adoption had to meet very strict requirements. In that connection, it should be added that Mexico was planning to ratify The Hague Convention.

28. The Mexican Government was endeavouring to bring an end to the maltreatment of children within the family by making parents more aware of their duties through messages broadcast on television and radio and public information meetings.

29. The Government of Mexico was doing its utmost, inter alia through the National Human Rights Commission and in cooperation with NGOs, to persuade child workers and street children who were exploited or ill-treated, including by the police, to bring such practices to the attention of the governmental institutions responsible for questions relating to the abuse of minors. Unfortunately, those institutions did not exist in all towns throughout the country.

30. With regard to the sale of Mexican children to North American citizens with the help of shady lawyers, the Government of Mexico was unaware of the extent of such practices. It knew that they went on since a number of parents, overcome with remorse, had lodged complaints and had been able to retrieve their children. However, if no complaints were made, it was very difficult for the Government to take action.

31. Turning to the question of family planning, she stated that the Mexican population was growing at a rate of 2.06 per cent, that there were no sterilization programmes and that sterilization was carried out only on people

who had requested it in writing. She did not know of any cases of women who had been sterilized against their will. She would be grateful if any members of the Committee with information or documents in that regard would let her have copies so that she could pass them on to the Mexican National Human Rights Commission for consideration.

32. With regard to education, she acknowledged that the school drop-out rate was a serious problem. Many parents, in rural areas in particular, believed that housework and agricultural work took priority over education. Girls were the main victims of such preconceptions. For that reason, the Ministry of National Education was doing its utmost to convince parents to allow their children to receive in-school or out-of-school instruction.

33. The National Solidarity Programme provided for the education of indigenous children, either within or outside their home region and for instruction in the various indigenous languages.

34. In the event of divorce by mutual consent, parents were responsible for deciding who should have custody of the children. Nevertheless, the parents' decision had to be sanctioned by the courts. In general, custody of the children was granted to the mother. However, if the mother was found to be the guilty party in the divorce, or if for any reason she was not in a position to take care of the children, the court could grant custody to the father. The Civil Code provided that, if neither of the parents were in a position to care for the child, custody would be granted to the paternal grandparents or, failing that, to the maternal grandparents. In any case, maintenance obligations remained. On the other hand, the parent who did not have custody of the children was under no legal obligation to pay them regular visits. Moreover, when the mother had custody of the children, the father tended to see his children less and less frequently. If no member of the family was able to take care of the child, it was put in the care of a specialized institution. Although it was not stipulated in the Civil Code, the judge took the child's opinion into consideration and made his decision on the basis of the child's best interests.

35. With regard to the many cases of children who were ill-treated within the family, she reminded members of the Committee that her delegation had, the previous day, provided them with an annex showing the outcome of an in-depth survey conducted by the Centre for the Study of Violence Within the Family. The results of the survey, in particular with regard to the identity of the aggressor and the nature of the relationship with the abused child, would help to combat such practices. To that end, for example, the Government had launched a television information campaign aimed at parents and children to put them on their guard against certain kinds of behaviour on the part of persons in close contact with children, including near relatives.

36. As to sexual violence, she said that two years previously, the Penal Code had been amended to increase penalties for persons found guilty of such acts.

37. The Government had pledged to combat the scourge of extreme poverty, particularly in the framework of the National Solidarity Programme. A study carried out by the Economic Commission for Latin America and the

Caribbean (ECLAC) and the National Institute of Statistics showed that extreme poverty had decreased in Mexico. Nevertheless, it should be recognized that it would be a long time before it was eradicated completely.

38. The CHAIRPERSON invited the members of the Committee who wished to do so to put questions to the delegation of Mexico on special protection measures, which were set out in the list of issues as follows:

"Special protection measures

(a) Children in situations of emergency

(Arts. 22, 38 and 39 of the Convention)

1. To what extent is the policy towards refugee children consistent with the four principles of non-discrimination, the best interests of the child, the right to life, survival and development and the respect for the views of the child?

2. Please indicate whether any difficulties have been encountered by refugee children and, if so, how such difficulties have been tackled.

3. What is the minimum age for voluntary and compulsory recruitment into the armed forces?

4. What concrete measures have been taken for the implementation of article 39 of the Convention?

(b) Children in conflict with the law

(Arts. 37, 39 and 40 of the Convention)

5. Please provide detailed information on the system of administration of juvenile justice and on the situation of children in conflict with the law and, in particular, on the following questions:

- Arrest, detention or imprisonment as a measure of last resort and for the shortest possible period of time;

- The number of children deprived of their liberty and the reasons why;

- The possibility of prompt access to legal and other assistance and of challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority.

6. Please clarify the 'balanced manner' in which the System of Integral Treatment responds in dealing with the anti-social conduct of minors. Give more information regarding this System. (See para. 255 of the report).

7. Please also provide further information on the treatment of young law offenders and, in particular, on the following questions:

- What types of institutions exist for the custody of young offenders and what specific official rules are there for their treatment?

- What opportunities are there for contact with relatives?

- How are the conditions in such institutions monitored?

- Are there complaint procedures in cases of ill-treatment?

- Have personnel in these institutions received training about the provisions of the Convention and about international rules concerning the treatment of young offenders?

(c) Children in situations of exploitation

(Arts. 32, 33, 34, 35, 36 and 39 of the Convention)

8. Are there sanctions provided for and enforced in cases of employment of children under 14? Are measures taken in order to make the community aware of the risks inherent in premature employment of minors?

9. Please provide relevant information on regulations, existing or planned, concerning the hours and conditions of employment.

10. Please provide information on the ratification of ILO Conventions relating to children and on their implementation.

11. Please also provide information on specific measures taken to combat the sale and use of drugs by children, child prostitution as well as sale, trafficking and abduction of children.

(d) Children belonging to a minority or an indigenous group

(Art. 30 of the Convention)

12. How is adherence to the provisions of the Constitution relating to the rights of indigenous peoples evaluated? Indicate the success of the programme initiated by the National Institute for Indigenous Affairs especially in relation to the rights of children to enjoy their own culture and language."

39. Mrs. BELEMBAOGO said that she wished to have more details on the relevant provisions and on the sale of children. Were the causes of the phenomenon known? Had the inquiries led to any conclusions? What criminal sanctions were applied to perpetrators? Finally, what measures did the Government intend to take to protect children from such practices?

40. Mr. HAMMARBERG wondered what measures the Government intended to take, particularly in terms of sanctions, to ensure that the armed forces would not in future commit atrocities against the civilian population, as appeared to be happening in the State of Chiapas.

41. Mrs. SANTOS PAÍS said that, like Mr. Hammarberg, she would like more information on recent events in the State of Chiapas. She stressed that malnutrition was endemic in that State, which was among the poorest in Mexico and had an indigenous majority, and that three times more children suffered from stunted growth there than in the State of Baja California. What measures had been taken by the Government to redress that situation and prevent recurrences of recent events? She recalled that the Bishop of Chiapas, who was regarded as one of the principal defenders of the region's indigenous peoples and one of the people best placed to act as a mediator between Government and local authorities, had been arbitrarily accused of plotting a coup d'état. Despite denials by the Government Procurator, the rumour was spreading and damaging chances of achieving a peaceful solution. In her view, the current unrest reflected a trend towards violence within the family and in society which was evident in various parts of the report, and wondered what measures were planned or already in hand to combat the phenomenon. It was also her view that members of the police force responsible for acts of torture should be punished and that the sentences handed down should be publicized to ensure that victims would not in future be deterred from instituting legal proceedings.

42. The administration of justice for minors again raised the issue of criminal responsibility, since she understood that, although the age of criminal responsibility in Mexico was 18, some States had lowered it to 16 or 17, which would be contrary to article 2 and article 40, paragraph 3 (a) of the Convention.

43. Referring to the supplementary information provided by Mexico, she wondered whether the justice available for minors in Mexico, the purpose of which according to paragraph 255 of the report was not simply to guarantee public security but also to ensure the social adaptation of minors and full respect for their rights, was true to the spirit of article 40, paragraph 1 of the Convention, which recognized the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, as well as the child's reintegration in society. She refused to believe that those children were a danger to society.

44. She drew attention to a contradiction between paragraph 253 of the report, according to which minors were not subject to penal proceedings and benefited from special treatment, and other parts of the report where mention was made of offences committed by minors which appeared to come under the Penal Code, a body of law which applied to adults and appeared to take precedence, in contravention of article 40, paragraph 3 of Convention. She aked for clarification on that point, as well as more detailed information on the measures of "internación" and "internamiento". Were the institutions responsible for dealing with juvenile offenders independent and impartial,

as stipulated in article 37, subparagraph (d) of the Convention? Did the Government of Mexico take into consideration article 40, paragraph 3 (b) of the Convention?

45. She asked how the Council for the Protection of Minors was supervised. Did child victims of abuse have access to a body which was independent of the Council? Finally, were Council agents given any training?

46. Mr. KOLOSOV asked whether Mexico was a party to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, adopted on 8 June 1977. If that were the case, did that treaty take precedence over national legislation and what measures were available in cases where they came into conflict? With regard to article 32 of the Convention, he also considered that it would be beneficial for Mexico to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

47. Mgr. BAMBAREN GASTELUMENDI noted that, according to official information, more than 2 million children below the age of 14 years were working in Mexico. Did those children benefit from a social security system or were they at the mercy of employers who might be inclined to exploit them?

48. According to information provided by the Government Procurator of the Federal District, delinquency among children and young people had increased by 65 per cent and the crimes committed (including homicide and armed robbery) were more serious than before. Thirty-nine thousand children were reportedly incarcerated in prisons where they were in contact with adults, or in houses of correction.

49. With regard to the thousands of refugees, most of them from Guatemala, who had fled their country for political reasons or as a result of the violence endemic to Central America, what was the Government doing to receive refugee children and respect their rights, or to help them return to their own country.

50. Mr. HAMMARBERG noted that Mexico was party to a number of international instruments relating to child labour, but had not yet acceded to the ILO Minimum Age Convention, 1973 (No. 138) the most important one in that area. Did the Government plan to ratify that Convention?

51. Mrs. MASON asked for more information on mentally-handicapped children and on programmes and facilities provided specifically for them.

52. With regard to sexual exploitation and abuse, especially incest, she asked what the general attitude of the population was, especially that of the more disadvantaged, who needed to be better informed. In her view, the penalties imposed on persons guilty of sexual offences against children were inadequate. She also wished to know the result of the assistance programme for "street children" which had been developed with the aid of UNICEF. Finally, it would also be helpful to have more information on children infected with AIDS, on children employed as domestic servants or in the informal sector and on provisions adopted to protect children doing dangerous work.

53. The CHAIRPERSON invited the delegation of Mexico to reply to the questions.

54. Mrs. GONZÁLEZ MARTÍNEZ (Mexico), in reply to Mrs. Belembaogo, described the judicial procedure applicable in cases of abduction and theft of children. It was the responsibility of the government procurator's office, upon receiving a complaint, to conduct an investigation and issue a warrant for the arrest of the suspect. With respect to the disappearance of children, she was not in a position to provide any further clarifications since that question did not appear on the list of issues to be discussed.

55. In reply to the questions raised by Mr. Hammarberg, Mgr. Bambaren Gastelumendi, Mrs. Sardenberg and Mrs. Santos País, she recalled that the State of Chiapas was one of the most destitute in Mexico and that the malnutrition and under-nutrition rates were high. School drop-outs were common and health problems particularly acute. Speaking in a private capacity, she expressed her regret that the State of Chiapas had never, at any time in its history, been accorded the attention it deserved and that those who might have contributed to its development had been lacking in honesty and solidarity. Official data showed that, over the past five years, every effort had been made to correct that situation through the numerous social organizations cooperating with the local authorities. The armed attacks that had taken place in Chiapas had been perpetrated by an organization partly made up of foreigners which, under cover of social action, had exploited the poverty of the indigenous peasant population and led them to acts of violence.

56. Following these events, which had been exaggerated by the press, the Government had offered on many different occasions to engage in a dialogue with the armed factions, which had requested the presence at the negotiations of three mediators: Rigoberta Menchú, Mgr. Ruiz, bishop of San Cristóbal de Las Casas, and Julio Scherer, director of Proceso, a magazine which she considered tendentious. Mr. Scherer, wishing to remain impartial, had turned down the proposal, while Mrs. Menchú had said that she would wait for the reply of the two other persons concerned before deciding. Mgr. Ruiz had accepted immediately. The President of the Republic had said that a solution could be found only through dialogue and that he did not wish to impose any restrictions on individual freedom, either in the State of Chiapas or elsewhere, in order to guarantee security.

57. She stressed that her Government was pursuing two basic aims: to protect the civilian population and to re-establish a normal situation. To do so, it had to defend the physical integrity of its citizens and the security of the community. The army had responded to the attacks only when it had been forced to, and in doing so it had respected the security of the community. It was important to note that all persons who had been arrested following the recent events had been placed at the disposal of the government procurator's office.

58. At the very outset, the Chairman of the National Human Rights Commission had gone to the State of Chiapas in order to ensure that human rights and the security of the civilian population, including the prisoners, were respected. To that end, food programmes had been launched and medicaments distributed. Medical teams were taking care of emergencies and had assisted the personnel of hospitals damaged by the attackers. She recalled that the ambulance

drivers bringing first aid had been the first casualties of those conflicts and that some of them had been seriously wounded. She stressed that her Government had acted in accordance with the Constitution and human rights, and that the law would be strictly applied. Because they had been driven by poverty and despair and because they had been led astray or subjected to pressure, those who had participated in these events would be treated with dignity and pardoned.

59. She informed the members of the Committee that a Commission for Peace and Reconciliation had been created on the previous day under the direction of Manuel Camacho Solis who, until then, had been Secretary for Foreign Relations. Its members included a number of other eminent persons renowned for their activities in defence of human rights, such as Mr. Jorge Carpizo, Mr. Diego Valades and Mr. Manuel Tello.

60. She confirmed that the age of criminal responsibility had been lowered in certain States of the Republic (almost all of the northern States as well as Tabasco), but she supposed that those measures had been taken under the influence of the neighbouring countries, where juvenile delinquency rates were high. She suggested to the members of the Committee that they should issue a recommendation with a view to convincing the legislators of those States to amend the law.

61. With respect to the administration of juvenile justice and the status of children having infringed the law, she considered that the supplementary information supplied by Mexico fully answered the questions raised. In Mexico, correctional prisons had ceased to exist 20 years earlier when the first congresses organized as part of the fight against crime had issued recommendations on the treatment of juvenile delinquents and the laws had been amended accordingly. The legislation currently in force was based on the Beijing Rules, the Riyadh Guidelines and the Convention on the Rights of the Child. It had introduced presumption of innocence and ensured that the child was informed of the charges against him or her and of his or her rights, in particular the right not to make a statement and to use all of the means of defence available (confrontation of witnesses, submission of evidence, access to files, etc.). The Council for Juveniles, which had replaced the Council for the Protection of Juveniles, was a more modern institution which, in addition to its regular members, comprised an upper chamber of three lawyers. The law also made provisions for cases of ill-treatment inflicted within the framework of a judicial procedure.

62. In response to the question concerning the Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts, she said that she did not think that her country had acceded to that Protocol but that she would check.

63. Referring to the comments made by Mgr. Bambaren Gastelumendi, who had stressed that an enormous number of children aged under 14 years worked, she pointed out that numerous efforts were being made to inform destitute parents, whose children were required to work, of the consequences of such situations for their children. Moreover, children were allowed to work only if they continued their studies. As to Mgr. Bambaren Gastelumendi's remarks concerning children in prisons or houses of correction, she recalled that

correctional centres no longer existed in Mexico. With regard to ILO Convention 138 concerning Minimum Age of Admission to Employment, she had no information to suggest that Mexico intended to ratify it.

64. Moving on to the questions raised by Mrs. Mason, she pointed out that a very thorough study was being conducted on the problem of street children, and that there were numerous non-governmental organizations working on the problem of children suffering from mental disorders. The members of the Committee would probably find the answers to their other questions in the supplementary information distributed to them in Spanish.

65. Mr. KOLOSOV asked once again if efforts were being made to protect seasonal workers.

66. Mrs. GONZÁLEZ MARTÍNEZ (Mexico) said that she had a summary of the activities conducted as part of the National Programme of Action and the National Solidarity Programme, but the members of the Committee would find more detailed information on activities to help the children of daily and migrant workers in a document setting forth the results of the Solidarity Programme which she had submitted to the Centre for Human Rights one month earlier.

67. The CHAIRPERSON invited the members of the Committee to state briefly their points of view on the report of Mexico (CRC/C/3/Add.11).

68. Mr. HAMMARBERG began by thanking the Mexican delegation for its spirit of cooperation. He wondered, however, whether the system introduced to monitor the application of the Convention was sufficient. With respect to the question of social justice, he also wondered whether the social policy implemented was an effective means of combating discrimination based on poverty or discrimination against indigenous peoples. Additional efforts were needed in those fields. Finally, he wished to know whether the authorities intended to take account of the Committee's conclusions to promote the realization of the rights of the child.

69. Mrs. SARDENBERG also expressed her satisfaction with the cooperation shown by the Mexican delegation and the efforts made to answer the questions that had been raised. However, the dialogue had revealed the existence of significant contrasts in the country between the legislation and the commitments entered into by the authorities, on the one hand, and the results, on the other, between rich areas and the poor areas, between the capital and rural areas and between the different population groups, whether in respect of health or of economics. Guided by the spirit of the Convention, the Government must step up its efforts to remedy that situation and, above all, to improve the situation of children. Finally, the Government should decentralize administration and alter existing structures, in cooperation with the non-governmental organizations, in order to enhance the efficiency of the system for monitoring application of the Convention.

70. Mrs. SANTOS PAÍS said that, while it was useful for the Committee to receive the replies to its questions in advance and in writing, it had received hardly any information on the actual application of the Convention, and she wondered what changes the new framework of laws and regulations had

brought about in practice. It would be useful to provide special training for those who were likely to be involved in applying the Convention, in particular judges, lawyers and educators, in order to turn it into an effective instrument. The cooperation of the non-governmental organizations was of primary importance in that respect. With regard to monitoring the application of the Convention, it was essential not only to ensure that the provisions of the Constitution were not contrary to those of the Convention, but also to fill in any gaps that might exist in Mexican legislation. For example, the principle of non-discrimination should be incorporated, if not in the Constitution, at least in legislation. Moreover, the report of Mexico, the supplementary information, the summary records of the meetings devoted to the examination of that information and the conclusions of the Committee should be widely disseminated in Mexico with a view to fostering the application of the Convention.

71. Positive steps should also be taken to eliminate the disparities existing in the country. With respect to the question of citizenship, the distinction made in Mexican legislation between citizenship and nationality implied that the child was protected, but that he or she was not considered as a true subject of the law. Moreover, it was essential to combat against violence in society and within the family by providing individual training to certain persons, for example policemen, by introducing a system for the filing of complaints and by ensuring that the punishments applied to the perpetrators of acts of violence against children were widely known. Finally, it was her impression that there were discrepancies between the recent Act on juvenile delinquents and the Convention, and she recommended the adoption of a special system of justice for juveniles based on the principles of the Convention.

72. Mgr. BAMBAREN GASTELUMENDI agreed with the remarks made by Mrs. Sardenberg and Mrs. Santos País. Mexican legislation provided a solution to most of the problems which arose, and should be applied. He expressed satisfaction with the attitude of the President of the Republic, who had contributed considerably to the application of the Convention, and he wondered whether there was a risk that a change of President following the forthcoming elections might have an influence on the application of the Convention, or whether there were any permanent structures to guarantee its implementation. Respect for the best interests of the child was of crucial importance and, as the most developed country in Latin America, Mexico must promote that principle not only in its own territory, but also throughout the Latin American region. The situation of street children was also disturbing. There was no special legal or social structure for such children, and he recommended, inter alia, that policemen who were in daily contact with them should be provided with training based on the principles of the Convention in order to alter their attitude towards them and ensure that their rights were respected.

73. Mrs. EUFEMIO said that a study should be conducted on the civil rights and freedoms of the child and on the right to a family environment or substitute protection, with a view to adopting measures in the framework of the Programme of Action to fill in the gaps in those areas. The results of the study would be included in the next report of Mexico. It was important that the application of the Convention should be monitored not only at the national level, but also at the local level.

74. Mrs. BELEMBAOGO said she was pleased to observe that the Mexican delegation had taken account of a number of the Committee's concerns and proposals. It was to be hoped that the efforts towards harmonizing national legislation with the Convention would continue, and that the delegation would inform the Mexican Government of the Committee's concerns, in particular with respect to the administration of justice to juveniles and the cases of children in difficult situations.

75. Mr. KOLOSOV welcomed the adoption and regular evaluation of the National Programme of Action, the adoption of the Act on compulsory primary and secondary education and the efforts made to familiarize children with their rights. However, he wondered whether the free trade agreement concluded by Mexico might not bring about modifications in the distribution of budgetary resources with a consequent negative impact for the population.

76. As regards the indigenous groups, he had the impression that the children of such groups were subject to discrimination and should be given more effective support and protection.

77. On the subject of citizenship, he recalled that the term "nationality" in article 7 of the Convention had the same meaning as "citizenship": it meant the right to a stable legal relationship with the State. Drawing a distinction between nationality and citizenship meant depriving the child of that link with the State, and that deprivation constituted a form of discrimination against him or her.

78. He was concerned at the situation of migrant workers and felt that the Committee should recommend that the Mexican authorities conduct a thorough study of national legislation and administrative regulations in that field. He agreed that persons involved in assisting children should be made more familiar with the Convention and that the cooperation of non-governmental organizations should be encouraged, in particular those working with indigenous populations. On the subject of marriage, he recalled that men and women were entitled to equal rights under article 16 of the Universal Declaration of Human Rights.

79. Finally, with respect to the situation in the State of Chiapas, he was concerned at the prospect of human rights violations and wished to know what measures the Government intended to take in that respect.

80. Mrs. MASON, recalling that the various States of Mexico were autonomous and promulgated their own laws, wondered whether it might be possible to harmonize legislation in order to avoid differences in the treatment of children from one State to another. Measures should be taken to eliminate inequalities between the sexes, between rural and urban areas and in the social field. With regard to the indigenous populations, she observed that though they were protected by the Constitution, they should be more protected in practice. The Programme of Action should focus more closely on the rural population. Finally, she regretted not having received any information on the customs and traditions that helped in understanding the culture and attitudes of a country. She also regretted not having received any replies to her questions on children working on the black market, and having received very

little information on physical, mental, emotional, verbal and other forms of violence of which children could be victims, or on the application of article 39 of the Convention.

81. The CHAIRPERSON recalled that some specialized agencies such as UNICEF and ILO, as well as the non-governmental organizations, could provide valuable assistance to the Mexican authorities in improving the situation of children and ensuring that their rights were respected. She thanked the Mexican delegation for all of the supplementary information and the replies provided by them and welcomed the constructive dialogue between Mexico and the Committee, which would continue until Mexico submitted its next report to the Committee.

82. Mrs. GONZÁLEZ MARTÍNEZ (Mexico) thanked the Committee and assured them that she would provide them with the supplementary information requested.

The meeting rose at 6.20 p.m.

UW

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.108
6 March 1995

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

SUMMARY RECORD OF THE 108th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 January 1994, at 3 p.m.

Chairperson: Mrs. BADRAN

CONTENTS

System of documentation and information

Question of indicators

Methods of work of the Committee

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-15139 (E)

The meeting was called to order at 3.20 p.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 6)

QUESTION OF INDICATORS (agenda item 7)

1 The CHAIRPERSON said that the Committee would need to consider ways of coordinating projects, such as those of the United Nations Children's Fund (UNICEF) and certain non-governmental organizations (NGOs) and universities, on the important questions of a documentation and information system and indicators. She invited the members of the Committee to put forward proposals.

2. Mr. HAMMARBERG recalled that a working group comprising Mrs. Eufemio, Miss Mason, Mr. Mombeshora, Mrs. Santos País and himself had been asked by the Committee to examine items 6 and 7 of the agenda. Item 6 related to a broad spectrum of questions ranging from the computerization of data to possible links between a database yet to be created at the Centre for Human Rights and databases in other organs of the United Nations system. The Committee needed to specify the type of information it required and where such information might be found.

3. The term "indicators" covered not only basic statistical data, but also information which the Committee required from States parties to help it ascertain how far they were applying the provisions of the Convention.

4. In that connection, it was appropriate to mention that the Oslo-based organization Child Watch International had undertaken to prepare just such a draft document which, when finished, would be very useful to the Committee. Similarly, the report on the work of the Seminar on appropriate indicators held in January 1993 (document A/CONF.157/PC/73) with the participation of Committee members was of great interest. Furthermore, two NGOs, Rädda Barnen and the United Kingdom section of Save the Children, were preparing a report on the question of indicators.

5. A report published in 1990 under the direction of Mr. Alston specified the data which treaty bodies wished to have included in a database, namely, the relevant treaties, summary records, decisions and concluding observations and the reports produced by various committees, as well as pertinent information available to institutions within the United Nations system. The time had come to update that important document.

6. UNICEF, for its part, was currently creating a vast database on the child to which members of the Committee would have access.

7. Lastly, the Committee would need to include in its own guidelines the list of indicators which States parties ought to cite in their reports.

8. Mrs. SANTOS PAIS said that in its report on the work of its fifth session, the Committee would have to indicate any conclusions it reached regarding the system of documentation and the question of indicators, since those were vital issues.

9. She recalled that, at one of their meetings, the Chairpersons of the treaty bodies had decided to keep each other informed of any decisions taken during the sessions of their respective bodies.

10. Furthermore, the need to create a centre for documentation on the rights of the child as part of the Centre for Human Rights was becoming increasingly urgent. It would also be appropriate to strengthen cooperation between all bodies concerned with children with a view to ensuring that each body was kept informed of the work done by the others.

11. Lastly, she recalled that the Commission on Human Rights had adopted a major resolution on indicators which could be used to assess progress in implementing international instruments in different countries. In the same resolution, the Commission had requested the Secretary-General to formulate guidelines relating to structural adjustment policies which might serve as the basis for a dialogue between the human rights bodies and the international financial institutions.

12. The CHAIRPERSON noted that indicators could be qualitative as well as quantitative. It was for the Committee itself to define clearly its own information requirements so that bodies which so wished could help meet those demands.

13. In addition, the Committee would have to try to make use of the indicators already developed by other bodies. Lastly, the Committee would have to find ways of gauging the strength of the links which existed between different rights. It would thus have to identify indicators showing how far the two major general principles of non-discrimination and the best interests of the child were respected when it came to applying the provisions of the Convention.

14. Mrs. SARDENBERG said that the system of training and the indicators used had to be seen as tools which could be used in assessing how far the Convention was being applied, rather than as ends in themselves. She wished to know exactly what form cooperation between the Committee and the other bodies concerned would take and what the Committee's role would be. In addition, States would need to be informed rapidly of any decisions taken by the Committee in that respect to enable them to include the required information in their reports. Advisory services could assist them in that task. Lastly, the Committee should not neglect any means other than indicators which might help it to assess how far particular rights were applied, especially in very complex situations.

15. Mr. HAMMARBERG agreed with Mrs. Badran that the Committee needed to define its requirements clearly so that those bodies wishing to do so could respond appropriately. That had been the course taken by the Committee's Working Group during the consultative meeting which had taken place on 9 October 1993 with the participation of UNICEF.

16. He also took the view that qualitative data, like statistical data, could be used as indicators of the extent to which the Convention was being implemented. In any case, the Committee would need to constantly refine its methods of evaluation.

17. Mrs. VINET (World Health Organization) said that WHO was in a position to provide the Committee with data on health. The Committee would therefore not need to obtain such data from the countries concerned. In addition, WHO, working with the Committee on Economic, Social and Cultural Rights, had established indicators which could be used in assessing the progress made in realizing the right to health and might be useful to the Committee. The choice of indicators would depend on the reporting guidelines issued to States parties. Depending on its concluding observations on the situation in a country, the Committee would draw up recommendations which would determine the type of indicators to be used in drafting reports.

18. Mrs. BELEMBAOGO pointed out that, at a time when computerized systems were being set up, it should not be forgotten that the Committee had to work above all with Governments. United Nations bodies should assist States parties in providing more precise information by making available indicators which allowed a more accurate assessment of the extent to which the Convention was applied. That was because the information provided by Governments did not always accord with that from other sources, since Governments did not always have the resources needed to set up a reliable information-gathering system of the kind to which the Committee would have indirect access.

19. Mgr. BAMBAREN GASTELUMENDI noted that there were wide disparities between reports submitted by different countries. Indicators provided by United Nations bodies and NGOs were reliable and should make it possible to monitor the situation in those countries during the next five years and thereby maintain the existing links between those countries and the Committee. Lastly, the Committee should consider ways of obtaining information on countries experiencing emergencies such as those currently existing in the Mexican State of Chiapas or in the former Yugoslavia, where it was even more difficult to assess the application of the Convention. He suggested that, in such cases, one or more Committee members should visit the area concerned.

METHODS OF WORK OF THE COMMITTEE (agenda item 6)

20. The CHAIRPERSON, referring to the document prepared by Mr. Hammarberg on guidelines for the drafting of initial reports, suggested that the Committee should examine the document in question with a view to improving its own methods of work and drawing up new guidelines. She hoped that working groups would be formed within the Committee based on members' particular expertise (sociology, economics, law, etc.), and that each group would work with a specialized organization. For example, Mr. Mombeshora, who was a doctor, could work with WHO. The Committee, which worked in collaboration with various United Nations bodies, universities, treaty-monitoring bodies and institutes, needed to define its requirements and expectations.

21. Mrs. SANTOS PAIS agreed with the Chairperson and emphasized the need to improve the follow-up to information aimed at helping Governments to improve their reports and their policies. That information also needed to be passed on to the public to make known the Committee's work and objectives. Returning to the question of working groups, she stressed that dialogue between the groups was vitally important. Without such an exchange between different disciplines, there was a danger of subjectivity in the Committee's stance with regard to the issues to be considered.

22. Mrs. EUFEMIO suggested that members should compare their respective views during the pre-sessional meetings.

23. Mrs. BELEMBAOGO recalled that, at previous meetings, the Committee had agreed that a working group should be responsible for reviewing the general guidelines for drafting initial reports. In her opinion, the paper submitted by Mr. Hammarberg should be elaborated upon and could serve as a working paper. In order to leave sufficient time, the working group would need to meet at the beginning of the next session. The guidelines drawn up by the Committee for periodic reports would have to be different from those applicable to initial reports, since the information required by the Committee in the two cases was different.

24. Mrs. SANTOS PAIS agreed, and hoped that draft guidelines would be submitted by the end of the year, allowing the Committee to discuss them in January 1995. That task, which could be included in the agenda under the item "Methods of work of the Committee" would have to be given priority.

25. Mr. HAMMARBERG acknowledged that the Committee's initial decision concerning guidelines had not been clear. The Committee members had agreed that the guidelines should be reviewed, but two schools of thought had emerged: some members had been reluctant to rewrite the guidelines, preferring instead to amplify them with commentaries which would include the list of issues to be considered, while others had wished to revise them. There had been some confusion on the latter point, since some members of the Committee had thought that it was the guidelines for periodic reports that were to be amended, while those who were to have performed the task had thought that the guidelines on initial reports were to be modified. In his opinion, it was too late to review the guidelines in time for the next initial reports and the Committee should agree as soon as possible on the commentaries on the existing guidelines and send them immediately to the many Governments now in the process of drafting their reports. For initial reports due in 1997, new guidelines would be required and consideration needed to be given to the type of reports the Committee wished to have: were they to be comprehensive or deal with specific issues? Consideration also needed to be given to ways of linking the guidelines with the concluding observations and decisions had to be taken concerning the policy or principles to be followed; that should start at the very beginning of the following year, in order to take advantage of the experience of those members of the Committee whose mandate was due to end at the end of 1995.

26. He suggested that Miss Mason, Mr. Kolosov and Mrs. Eufemio should give thought to the question of what guidelines should be adopted for periodic reports, and that all members of the Committee should discuss at the current session the commentaries to be formulated on those guidelines, so that agreement could be reached on a text to be sent to Governments.

27. The CHAIRPERSON, summing up, said that the question to be decided was whether the Committee ought to begin by considering whether the guidelines on the preparation of initial reports ought to be supplemented by commentaries,

or whether they ought to be modified. In her view, the Committee could begin by considering the document submitted by Mr. Hammarberg, which contained the guidelines and commentaries on them. That could be the first stage in a lengthy revision process.

28. Mr. KOLOSOV said that, after reading the document submitted by Mr. Hammarberg, he did not think that the Committee should formulate new guidelines for the preparation of initial reports. As far as the document itself was concerned, he did not share Mr. Hammarberg's view that the procedure should be simplified by asking States parties to submit a single core document to all the human rights treaty bodies, because the information contained in such a document would be out of date in a few years' time.

29. Regarding the guidelines concerning periodic reports, he agreed with Mr. Hammarberg that they should be completed by 1997, but believed that the working group set up to deal with the matter should be composed of members who had just been re-elected, since it was they who would have to consider the periodic reports, and not members such as Miss Mason and himself, whose mandate would expire in a year's time. However, he was prepared to collaborate in the working group's activities.

30. Mrs. EUFEMIO considered that, before thinking of establishing guidelines for the preparation of periodic reports, the Committee should complete the guidelines concerning initial reports. In her view, it was not so much a matter of amending those guidelines as of developing them on the basis of the commentaries appearing in Mr. Hammarberg's document, sharing out the task on the basis of the areas of specialization of each member of the Committee. She could not approve the idea that in the general guidelines certain questions should be given prominence and the importance of others minimized, since all the articles of the Convention were interlinked.

31. Mrs. SANTOS PAIS noted that all members of the Committee were agreed that new guidelines concerning the preparation of periodic reports would have to be formulated by 1977. As she saw it, the fact that the mandate of certain members expired at the end of 1995 should not necessarily mean that they ought not to take part in that work. The richness of the Committee derived from the fact that its members had different areas of expertise, and pooled their knowledge and experience. Such exchanges made it easier for them to devise objective guidelines for States.

32. The CHAIRPERSON said that, in her view, members who were opposed to any modification were by so doing refusing to accept that the general guidelines could evolve in any way. She proposed that the Committee should not speak of revising the guidelines, but rather of modifying them with a view to their improvement. In the course of successive sessions, the Committee's procedures and its perception of its mandate were evolving and being improved. The two documents submitted by Mr. Hammarberg and Mr. Astillero's document on indicators should be used as a basis for refining the Committee's working methods and guidelines. What was now needed was for the Committee to take a decision to follow that course.

33. Mr. KOLOSOV thought it was too late to amend the Committee's guidelines, in view of the fact that 154 States parties had already received them. In addition, the guidelines were satisfactory, since reports received hitherto had enabled the Committee to engage in dialogue with the State party, to adopt conclusions and to formulate recommendations. However, the discussion on possible improvements to the guidelines could be useful for the preparation of guidelines regarding periodic reports. He fully agreed that consideration of the question should begin at once, but thought that preparation of the guidelines would take two or three years. He himself was willing to contribute to that work, but believed that the working group should include other experts, in case Miss Mason and himself were not re-elected when their mandate expired. He attached very great importance to the guidelines, since in his view periodic reports were far more important than initial reports, in that they made it possible to gauge the progress achieved in regard to the rights of the child.

34. Mr. HAMMARBERG reminded the Committee that the first periodic reports would fall due in September 1997, and that the guidelines would have to be sent out at least a year earlier, so as to enable States parties to draft their reports. In view of the fact that it would take at least two years to prepare those guidelines, the Committee ought to begin to consider the question by September 1994 at the latest.

35. He believed that the Committee should continue to refine the guidelines concerning initial reports. The question that arose was whether they should be modified, or supplemented by commentaries. He himself considered that the Committee should content itself with refining issues in the course of its dialogue with the reporting State party, so that the State party would not be inundated by documents. That being said, however, the Committee should take a decision quickly, since almost 90 per cent of States parties were currently preparing to draft their reports.

36. Mrs. EUFEMIO said she would like to withdraw from the working group responsible for preparing guidelines concerning the drafting of periodic reports, and to join the group dealing with guidelines for initial reports, because in her view the question of periodic reports could not be tackled until the question of initial reports had been settled. She pointed out that in fact periodic reports constituted a follow-up to a situation presented in an initial report on the basis of a well-established model.

37. The CHAIRPERSON proposed that, in order to avoid sending new guidelines to States which had already received them, any shortcomings which the guidelines might have in certain areas should be made good by means of supplementary commentaries. In view of the fact that in 1997 57 States parties would have to submit their periodic reports, she proposed that the Committee should consider Mr. Hammarberg's document concerning guidelines for initial reports, while starting work on the guidelines for periodic reports. In that connection, the debate on initial reports could in fact prove useful for the preparation of periodic reports. She did not approve the idea of altering the composition of the working group responsible for guidelines concerning periodic reports. While that group could certainly include a larger number of members, every expert would in any case be able to make his or her contribution.

38. Mr. KOLOSOV pointed out that, if the Committee established new guidelines for initial reports, States parties which had already submitted their reports would have followed certain recommendations, whereas others would be applying different ones. In his view, that situation was unacceptable. He proposed that the Committee should adopt commentaries regarding the guidelines concerning initial reports, and should take into account everything that had been said regarding them at the current meeting when preparing the guidelines on periodic reports. When the Committee came to consider periodic reports it could return to any questions it had not be able to deal with in depth when considering initial reports because of shortcomings in the relevant guidelines.

39. Miss MASON pointed out that life was a long learning process, that the world was constantly changing, and that laws were made to be amended. Consequently, she could not see any reason why the guidelines should not be refined, developed or reformulated. She did not think it would be unfair to States which had already submitted their initial report to change the guidelines concerning the preparation of such a report. She noted that the Committee was still in a learning phase, and was improving its procedures session by session. It was normal that it should wish to amplify its guidelines so as to obtain the information it needed. That would avoid the need for asking States parties for further information, as the Committee had had to do in the case of Mexico, which had sent its written replies in a language which was unfamiliar to some Committee members. Those members had been at a disadvantage, and had been unable to ask pertinent questions. The Committee should take a decision at once on the general guidelines concerning initial reports, and then on the guidelines concerning periodic reports.

40. Mgr. BAMBEREN GASTELUMENDI said that, while it was always possible to improve the general guidelines, it was not opportune to do so for the present as far as the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a) of the Convention (CRC/C/5) were concerned. It would be more useful for States parties to follow the guidelines more closely. On the other hand, it was of crucial importance to set a deadline for the submission of reports, so that the Committee would have enough time to consider them and to decide beforehand the main issues to be considered further with the representatives of reporting States.

41. Mrs. SANTOS PAIS noted with satisfaction that the Committee had improved its working methods, and stressed the vital role of the pre-sessional working group. In the interests of efficiency, it was essential for that group to be able to meet at least six weeks to two months before the Committee's session, to draw up preliminary lists of issues and send them in advance to States parties so that the latter would have time to submit written replies before the session.

42. Mr. HAMMARBERG noted with interest that members of the Committee appeared to be reaching agreement on methods of work. He proposed that States parties should be sent an explanatory note with the list of issues that could be raised in the course of consideration of reports, which would facilitate

their task. Before even thinking of preparing revised general guidelines, it would be advisable to draw up a supplementary check-list which would be virtually identical for all countries, and to include it in an annex to the general guidelines.

43. Mr. KOLOSOV believed that for the present it was preferable to keep to the general guidelines, and to send them to States parties which had not yet submitted their initial report. In his view, it would be more useful to draft revised general guidelines concerning the preparation of periodic reports which had to be submitted under article 44, paragraph 1 (b) of the Convention.

44. Mrs. SARDENBERG also proposed that the general guidelines should continue to be sent to all States parties, and that, for instance, any comments which might assist countries in drafting their periodic report might be included in an annotated agenda. The supplementary check-list would include only questions which had not been considered in the report, or on which the Committee thought it had not received sufficient information.

45. The CHAIRPERSON proposed that members of the Committee should give further study both to that question and to the working paper entitled "Annotated guidelines with a commentary" in a working group, and should take up the matter again on 19 January, so that an official text could be adopted either at the current session or at the meeting of the pre-sessional working group to be held in February. She then invited members of the Committee to consider other questions relevant to the Committee's methods of work.

46. Mr. HAMMARBERG, on the question of the updating of the list of issues selected by the Committee as possible subjects for study, recalled that at its third session the Committee had prepared a list of documents, reports and other publications relating to subjects of concern to it. That list and the information it contained were very useful to institutions, research centres and NGOs, as well as to UNICEF and notably to the latter's International Child Development Centre based in Florence, a body which wished to undertake research and studies on the rights of the child which were of interest to the Committee.

47. The CHAIRPERSON asked members of the Committee to prepare a revised list of possible subjects for study, and to submit it at the current session. She then invited them to consider the working paper submitted by Mr. Hammarberg on the Committee's working methods.

48. Mr. HAMMARBERG said that the working document entitled "Overview of procedures" which was now before the Committee was intended to give a clear and official account of its working methods. It was based on the practice successfully followed in that regard by the Committee on Economic, Social and Cultural Rights. The first part dealt with the procedure for preparing reports, the second with the examination of reports by the Committee on the Rights of the Child (activities of the pre-sessional working group and presentation of reports), the third with the follow-up given to reports, and the fourth with the procedure to be followed in the case of States whose reports were overdue. The document might be included in a chapter devoted to

the machinery set up within the framework of the Convention on the Rights of the Child in the "Manual on human rights reporting" to be published by the United Nations Department of Public Information.

49. After a short discussion in which Mrs. SARDENBERG, Mr. KOLOSOV, Mrs. EUFEMIO and Mgr. BAMBAREN GASTELUMENDI took part, the CHAIRPERSON asked Mrs. Santos País and Mr. Kolosov to draft an official version of the document, taking into account observations made, and to submit the text to the Committee at a later meeting.

The meeting rose at 6. p.m.